

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
BANKRUPTCY DIVISION

)
In Re:) Chapter 7
HILDO L. DACOSTA) Case No. 10-21008-JNF
Debtor)

)
GARY W. CRUICKSHANK)
CHAPTER 7 TRUSTEE OF)
HILDO L. DACOSTA)
Plaintiff)
) Adversary Proceeding
v.) No. 11-
)
HILDO L. DACOSTA)
Defendant)
)

COMPLAINT TO BAR DEBTOR'S DISCHARGE

INTRODUCTION

This is the Complaint of Gary W. Cruickshank, Chapter 7 Trustee of the above captioned Debtor seeking an Order of this Court which bars the discharge of the Debtor.

PARTIES AND JURISDICTION

1. The Plaintiff is Gary W. Cruickshank, Chapter 7 Trustee of the above captioned Debtor, with an usual place of business at 21 Custom House Street, Suite 920, Boston, Massachusetts.

2. The Debtor filed his Chapter 7 case on October 7, 2010 and the Plaintiff was appointed Chapter 7 Trustee shortly thereafter.
3. The Defendant is a natural person who resides at 361 Fanueil Street, Apartment 3, Brighton, Massachusetts 02135.
4. Jurisdiction of this Court is based upon 11 U.S.C. Section 727(a)(3), 11 U.S.C. Section 727(a)(4) and 28 U.S.C. 157(b)(2)(J).

CAUSES OF ACTION

5. At the initial 11 U.S.C. 341 meeting on November 10, 2010, said meeting was continued in order for the Debtor to provide various additional documents to the Trustee and a creditor who attended that meeting (hereinafter the "Documents").
6. Those Documents were not provided nor did the Debtor appear at the continued 11 U.S.C. 341 meeting on December 21, 2010.
7. The Trustee asserts that the Debtor has violated 11 U.S.C. Section 727(a)(3) by failing to deliver to the Trustee and the Creditor requested documents and he herefore concealed those records by which the Debtor's financial condition or business transactions might be ascertained.

8. the Debtor has no indicated any circumstances which justify that failure to produce those documents.

COUNT II

9. At the initial 11 U.S.C. 341 meeting, the Debtor testified that he owned real estate in Brazil.

10. That real estate was no listed on the Debtor's schedules nor have amended schedules been filed to indicate the ownership of said real estate.

11. The Trustee states that the failure of the Debtor to list that real estate on his Schedules was knowing and fraudulent and therefore violated 11 U.S.C. Section 727(a)(4)(A).

WHEREFORE, the Trustee respectfully requests pursuant to Count I and Count II above that the discharge of the Debtor be denied and that the Trustee have such other and further relief as is just.

Dated: January 4, 2011

/s/Gary W. Cruickshank, Esq.
Trustee in Bankruptcy of
Hildo DaCosta
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CERTIFICATE OF SERVICE

I, Gary W. Cruickshank, hereby certify that a copy of the foregoing Answer has been served, electronically and by regular United States mail, postage prepaid, upon Mark Archer,.Esq., Counsel to the Defendant, 5 Fletcher Street, Chelmsford, Massachusetts 01824 and to Hildo L. DaCosta, 1361 Faneuil Street, apartment 3, Brighton, Massachusetts 02135.

Dated: January 4, 2011

/s/Gary W. Cruickshank, Esq.